

DAC #7



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:

CLINT D. KOLDA ET AL

Serial No.: 10/054,781

Filed: January 23, 2002

Group Art Unit: 3764

Examiner:

VARIABLE MAGNETIC RESISTANCE  
UNIT FOR AN EXERCISE DEVICE

) CERTIFICATE OF MAILING

)

) I hereby certify that this correspondence is  
) being transmitted via First Class Mail in  
) an envelope addressed to: Mail Stop Petition,  
) Commissioner For Patents, P.O. Box 1450,  
) Alexandria, VA 22313-1450, this 1<sup>st</sup> day of  
) May, 2003.

)

) Dawn M. Oleszak 5-1-03  
) Dawn M. Oleszak Date

)

)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

Applicants hereby petition for revival of the application for patent listed above pursuant to 37 C.F.R. §1.137(b). In making this petition, applicants state the following.

The application became abandoned due to a failure to timely file a request to rescind a previous nonpublication request under 35 U.S.C. 122(b)(2)(B)(ii). On December 18, 2002, applicants filed a European patent application directed to the invention disclosed in U.S. Patent Serial No. 10/054,781.

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Applicants respectfully contend and state herein that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional.

Accompanying this declaration is a Request to Rescind the Previous Nonpublication Request under 35 U.S.C. 112(b)(2)(B)(ii).

Accordingly, applicants respectfully request that application be revived, and that the application be examined in accordance with the Rules of Practice in Patent Cases, Title 37 of the Code of Federal Regulations.

Enclosed is a check in the amount of \$650.00 (small entity) required under 37 C.F.R. §1.17(m). The Director is authorized to direct payment of any additional fees associated with this or any other communication, or to credit any overpayment, to Deposit Account 50-1170.

Date: May 1, 2003

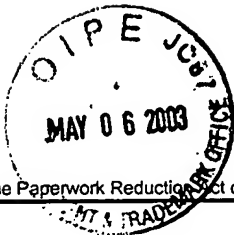
Respectfully submitted,



Andrew S. McConnell  
Registration No. 32,272

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Attorney Docket: 376.171

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#8

PTO/SB/36 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST 35 U.S.C. 122(b)(2)(B)(ii)</b>	Application Number		10/054,781
	Filing Date		January 23, 2002
	First Named Inventor		Clint D. Kolda
	Title	Variable Magnetic Resistance Unit For An Exercise Device	
	Atty Docket Number		376.171
	Group Art Unit		3764
	Examiner		

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b). The delay in submitting the notice was unintentional.

May 1, 2003  
Date

  
Signature

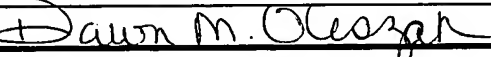
Andrew S. McConnell  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b)

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being transmitted via first class mail in an envelope addressed to: Box DAC, Director of the US Patent and Trademark Office, Washington, D.C. 20231 on February 26, 2003.:

Name (Print/Type) Dawn M. Oleszak

Signature 

Date May 1, 2003

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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